

HOUSE BILL REPORT

2ESSB 5742

As Reported by House Committee On:
Judiciary

Title: An act relating to crime-free rental housing.

Brief Description: Concerning crime-free rental housing.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin, Hobbs, Schoesler and Hatfield).

Brief History:

Committee Activity:

Judiciary: 2/17/10, 2/22/10 [DPA].

**Brief Summary of Second Engrossed Substitute Bill
(As Amended by House)**

- Permits local governments to adopt and implement a crime-free rental housing program.
- Establishes restrictions for crime-free rental housing programs.
- Preempts, with certain exceptions, all regulations and ordinances adopted by local governments concerning crime-free rental housing programs.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley, Kirby, Roberts, Ross and Warnick.

Minority Report: Do not pass. Signed by 1 member: Representative Ormsby.

Staff: Courtney Barnes (786-7194).

Background:

Residential Landlord-Tenant Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Residential Landlord-Tenant Act (RLTA) regulates the relationship between tenants and landlords. The RLTA provides duties and remedies with respect to the landlord-tenant relationship. Under the RLTA, tenants are prohibited from engaging in certain criminal activity on the rental premises. If a tenant engages in certain criminal activity, the landlord may commence an unlawful detainer action. An unlawful detainer action allows the landlord to evict the tenant and regain possession of the rental property.

Manufactured/Mobile Home Landlord-Tenant Act.

Manufactured/mobile home communities are governed by the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA). The MHLTA outlines the rights and responsibilities of manufactured/mobile home landlords and tenants, including the duty of tenants to refrain from engaging in criminal activity. Under the MHLTA, landlords may terminate or refuse to renew a tenancy if a tenant engages in a criminal act that threatens the health, safety, or welfare of tenants. If a tenant engages in criminal activity, the landlord may commence an unlawful detainer action.

Crime-Free Rental Housing Programs.

Several Washington cities have adopted local crime-free rental housing programs. Generally, crime-free rental housing programs operate as a partnership between local police departments and local landlords and tenants who work together to address illegal activity on or around rental property. Typically, these programs contain three components:

- crime prevention training for property managers and landlords;
- a crime prevention through environmental design survey, which includes a walk through of the rental property to identify safety issues; and
- a community crime-free awareness event or a crime-free commitment made by the landlord.

Summary of Amended Bill:

A local government may adopt and implement a crime-free rental housing program. A "crime-free rental housing program" means a crime prevention program designed to reduce crime, drugs, and gangs on rental housing premises under the supervision of the local police department or a crime prevention officer. "Rental housing" includes any tenancy that is subject to the RLTA or the MHLTA. A local government may charge a fee for participating in a crime-free housing program. Generally, a crime-free rental housing program must be voluntary and may include:

- property management and crime prevention training classes;
- crime prevention through environmental design surveys; and
- community awareness training.

If a landlord has not made a good-faith effort to deter criminal activity, a local government may require the landlord to participate in a crime-free rental housing program upon exceeding a reasonable threshold of instances of criminal activity on the premises. Prior to

requiring a landlord to participate in a crime-free rental housing program, and upon the occurrence of criminal activity on the premises, the local police department must send a notice to the landlord setting forth the: (1) date, location, and nature of the occurrence; and (2) name of the person who engaged in the occurrence.

A crime-free rental housing program may not prohibit a landlord from hiring or renting to a person solely because of the person's criminal history.

Except for the provision concerning hiring or renting to a person because of the person's criminal history, the bill does not apply to local regulations and ordinances adopted prior to July 1, 2010. All other regulations and ordinances concerning crime-free rental housing programs are superseded and preempted.

Amended Bill Compared to Second Engrossed Substitute Bill:

The amended bill adds a definition for "local government." A "local government" means any city, code city, town, or county. The amended bill replaces references to cities, counties, towns, municipalities, and local agencies with "local government" for consistency. The amended bill specifies that a crime-free rental housing program adopted by a county only applies to unincorporated areas of the county. The amended bill replaces reference to "criminal background" with "criminal history." Some of the provisions in second engrossed substitute bill are restructured in the amended bill for clarity.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill is relatively simple and its intent is to bring statewide uniformity for all crime-free rental housing programs. The bill makes the program voluntary, but it allows the program to be mandatory if there are multiple criminal occurrences on the rental property and the landlord has not made a good faith effort to deter criminal activity. The bill permits programs to charge a fee for participation in a crime-free rental housing program. The bill will foster a cooperative effort between local governments and rental property owners. The bill also prevents crime-free rental housing programs from prohibiting landlords from hiring or renting to a person because of the person's criminal background. This provision is important because landlords should have the option of deciding who they may rent to or hire regardless of whether the person has a criminal history. Crime-free rental housing programs can help to reduce criminal activity and the costs spent by local law enforcement agencies.

(Opposed) None.

Persons Testifying: John Woodring, Washington Rental Housing Coalition; Doug Neyhart and Julie Johnson, Rental Housing Association of Puget Sound; and Ron Newbry, Yakima Valley Landlords Association.

Persons Signed In To Testify But Not Testifying: None.